

HOUSE BILL 1915

By Newton

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4 and Title 40, Chapter 33, Part 2 relative to alcohol and drug-related offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(c) is amended by adding the following as a new subdivision (3) and renumbering the remaining subdivisions accordingly:

(3) Notwithstanding any other provision of law to the contrary, upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to undergo a drug and alcohol assessment and receive treatment as appropriate. An individual determined by the court to be indigent shall be subject to the provisions of Tennessee Code Annotated 40-33-211(c)(2).

SECTION 2. Tennessee Code Annotated, Section 55-10-403(a)(1) is amended by deleting the word "inpatient" in the fifth sentence.

SECTION 3. Tennessee Code Annotated, Section 55-10-412(l) is amended by deleting the subsection in its entirety and by substituting instead the following:

(l)(1) Upon conviction of a person pursuant to § 55-10-401, and such person has a prior conviction of § 55-10-401 within the past five (5) years, the court shall order such person to operate only a motor vehicle or motorcycle, after the license revocation period, which is equipped with a functioning interlock device. The court shall also order such device to be installed on all vehicles owned or leased by the person at such person's own expense for a period of six (6) months.

(l)(2) Any person subject to the provisions of subdivision (1) may, solely in the course of his employment, operate a motor vehicle or motorcycle, which is owned or provided by his employer, without installation of an ignition interlock device, if the court expressly permits such operation, and if the employer has been notified of such driving privilege restriction and if proof of that notification is within the vehicle. This subdivision shall not apply if such employer is an entity wholly or partially owned or controlled by the person subject to the provisions of this subsection.

SECTION 4. Tennessee Code Annotated, Section 40-33-211(c) is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge determines it to be in the best interest of the individual and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to T.C.A. § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

SECTION 5. Tennessee Code Annotated, Section 40-33-211(c)(2) is amended by adding the following language at the end of the subsection:

The alcohol and drug addiction treatment fund shall be administered pursuant to public necessity rules promulgated by the department of health, which shall establish reasonable criteria for application of the funds.

SECTION 6. Tennessee Code Annotated, Section 40-33-211(f) is amended by adding the following new subdivision:

(3) If the general sessions or criminal court judge determines it to be in the best interest of the individual and the public, monies in the "alcohol and drug addiction treatment fund" may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to T.C.A. § 55-10-412(l) for persons who are subject to the provisions of this part. However, such device shall not be utilized in lieu of treatment of such person.

SECTION 7. Tennessee Code Annotated, Section 40-33-211(f)(2) is amended by adding the following language at the end of the subsection:

The alcohol and drug addiction treatment fund shall be administered pursuant to public necessity rules promulgated by the department of health, which shall establish reasonable criteria for application of the funds.

SECTION 8. This act shall take effect October 1, 2001, the public welfare requiring it; it will apply to all applicable violations in the provisions of Tennessee Code Annotated, Section 55-10-401 occurring on or after such date.